

## **REMARKS**

After entry of the above amendments, the claims pending in the subject application are 1-23. Reconsideration of this application based on the Amendments and Remarks presented herein is respectfully requested.

The office action stated that claims 1-13 were pending in the application. A preliminary amendment was filed with the application on July 19, 2001. The preliminary amendment was acknowledged as received on the Return Receipt Postcard and on the Notice of Acceptance of Application under 35 U.S.C. §371 and 37 C.F.R. §1.494 or §1.495 (copies of these documents are enclosed). Also, the filing receipt (copy enclosed) indicates that 23 total claims and two independent claims were filed. In the event that the preliminary amendment was misplaced, a copy of the preliminary amendment is being submitted herewith. Please enter the preliminary amendment, in which claims 1-23 are pending in the present application. Also, please amend the title as indicated in the preliminary amendment.

Also, on July 19, 2001, an Information Disclosure Statement with Form PTO-1499 was submitted. The above referenced Return Receipt Postcard and Notice of Acceptance indicate the receipt of the Information Disclosure Statement. The marked copy of the PTO-1449 form was not returned with the present office action, and it was not indicated as having been sent on the Office Action Summary. A duplicate copy of the Information Disclosure Statement is enclosed (not including the cited art).

Please indicate whether the Information Disclosure Statement was reviewed. If it was reviewed, please send a marked copy of the PTO-1449 form. If copies of the art cited in the July 19 Information Disclosure Statement have been misplaced, copies can be sent upon request.

## **35 U.S.C. §112 REJECTIONS**

Claims 1-13 were rejected under 35 U.S.C. §112, second paragraph. Component III states that "the water is substantially free from acrylate copolymers dispersed or dissolved therein", but component IV comprises an acrylate copolymer. Claim 1 has been amended to more clearly indicate that the at least four components are provided individually as a system and are not mixed together. Because the components are provided individually, the limitation "the water is substantially free from acrylate copolymers dispersed or dissolved therein"

defines the individual component III. The purpose of this limitation can be found on page 4, line 22 to page 5, line 6. It is respectfully submitted that claim 1, and the claims that depend from claim 1, are definite.

As to claim 2 and its dependent claims, these claims are directed to a process for producing a coating composition by mixing the at least four components. Because a process is claimed, the components can be provided individually and then mixed. It is respectfully submitted that claim 2, and the claims that depend from claim 2, are definite.

In claim 3, the term "preparable" is used. The term "preparable" has been amended to "prepared" as suggested. It is respectfully submitted that claim 3 is definite.

Claim 11 is directed to a coating composition, but it was alleged that it was unclear how the limitations limited the claim. Claim 11 has been amended to being a "coating that is a coating product of the coating composition of claim 1". It is respectfully submitted that claim 11 is not indefinite.

### **35 U.S.C. §102 and §103 REJECTIONS**

Claims 1-13 were rejected under 35 U.S.C. §102(b) as being anticipated by or, alternatively, under 35 U.S.C. §103(a) as being unpatentable over WO 97/42247 as interpreted by United States Patent No. 6,025,031 to Lettmann et al. References made herein will be to the English language reference, Lettmann '031.

Claim 1 has been amended to more clearly indicate that the claim is directed to a system of at least four components for a coating composition, wherein the at least four components are not mixed. Component III "comprises water and is substantially free from acrylate copolymers dispersed or dissolved therein". Component IV is "a finely divided solid component that comprises at least one water-soluble or -dispersible finely divided solid acrylate copolymer". Additionally, claim 2 is directed to a process of producing a coating composition by mixing the at least four components in the recited steps.

In Lettmann '031, a three component system is described (see abstract) in which its component III is a single stage or multistage reaction product of a hydrophilicized polymer and monomers, which include acrylate monomers (column 9, line 1 to column 14, line 55).

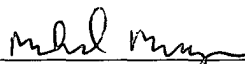
There is no disclosure or suggestion in Lettmann '031 of providing a four component system that has one component that comprises water and is substantially free from acrylate copolymers dispersed or dissolved therein, and another component that comprises a finely divided solid component that comprises at least one water-soluble or -dispersible finely divided solid acrylate copolymer. While water can be an additional component (column 15, lines 15-18), there is no disclosure or suggestion of the finely divided solid component.

Also, there is no disclosure or suggestion of a process to produce a coating composition by mixing the at least four components in the recited steps. Lettmann '031 only describes or suggests the mixing of a three component system, or optionally water (column 15, lines 15-44). When water is used, it is added to a mixture of components I and II. There is no disclosure or suggestion of mixing the finely divided solid component (component IV) with the component that comprises water (component III).

Because Lettmann '031 does not disclose or suggest the system of at least four components or the process of producing a coating composition from the at least four components, it is respectfully submitted that claims 1-23 are not anticipated by and are patentable over WO 97/42247 as interpreted by United States Patent No. 6,025,031 to Lettmann et al.

In view of the amendments and remarks contained above, Applicants respectfully request reconsideration of the application, withdrawal of the 35 USC §102, §103, and §112 rejections, and request that a Formal Notice of Allowance be issued for claims 1-23. Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

  
Michael F. Morgan, Esq. (Reg. No. 42,906)  
(248) 948-2355  
BASF Corporation  
26701 Telegraph Road  
Southfield, MI 48034-2442

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